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August 5, 2008

VIA FACSIMILE (212) 805-6382

Honorable Victor Marrero
Suite 660
United States Courthouse
500 Pearl Street
New York, New York 10007

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| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8-5-08 |
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Subject: Stacey Cherny v. Emigrant Bank, et al.
08-CV-05359 (VM)

Dear Judge Marrero:

We are the attorneys for Plaintiff Stacey Cherny in the above reference matter. This case is a class action brought on behalf of the EmigrantDirect accountholders, whose email addresses were disclosed to spammers.

We received notification from the Court last night that an initial conference has been scheduled for August 7, 2008. However, Scott Kamber, the partner handling the case, is currently out of the country and is returning on August 15, 2008. We conferred with opposing counsel about obtaining an adjournment of the conference, and they have no objection. Opposing counsel stated that they are available any day from August 25th forward. Therefore, we respectfully request that the court so-order an adjournment of the conference to a date on or after August 25, 2008.

Respectfully submitted,

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| Request GRANTED. The <i>initial</i> conference herein is rescheduled to 8-29-08 at 9:45 A.M. |
| SO ORDERED. |
| 8-5-08 DATE <i>[Signature]</i> VICTOR MARRERO, U.S.D.J. |